

# City of Oconomowoc Common Council Meeting Minutes March 16, 2021 - 7:30 PM



**Aldermen Present:** Matt Rosek, John Zapfel, Kevin Ellis, Karen Spiegelberg, Matt Mulder, Charles Schellpeper, Lou Kowieski, Andy Rogers

**Also Present:** Robert Magnus, Matt Trebatoski, Stan Riffle, Diane Coenen, Robert Duffy, Kevin Freber, Mark Frye, Jason Gallo, James Pfister, Joe Pickart, Laurie Sullivan, Ivan Lam

Mayor Magnus called the Common Council Meeting to order at 7:30 PM.

## Call to Order and Confirmation of Appropriate Meeting Notice

## Pledge of Allegiance

## Roll Call

## Public Hearing

### a. **Public Hearing - Amend Comprehensive Land Use Plan 2050 & Rezone (John & Lavinia Rockwell Park):**

The purpose of the hearing is to hear public comment on the application filed by Jason Gallo on behalf of the City of Oconomowoc for a proposed amendment to the City of Oconomowoc Comprehensive Land Use Plan 2050 and rezoning of a total of 1.366 acres of land located at 517 and 525 N. Lake Rd. The parcels are formally identified as tax key numbers OCOC 0562.238 and OCOC 0562.239. The area is currently designated on the City Comprehensive Land Use Plan as Medium Density Residential and zoned IRM, Isthmus Residential Multi-Family. The request is to amend the Land Use Plan for both properties to Recreational/Parks Land Use, and zone the properties to IP, Institutional / Public. If the Land Use Plan and Zoning Map amendments are approved, the request is to allow the site to be converted to a public park.

The hearing opened at 7:31 PM. Gallo gave a PowerPoint presentation. No other comments were received. The hearing closed at 7:35 PM

### b. **Public Hearing - Amend Comprehensive Land Use Plan 2050 & Rezoning (Tinus Marine):**

The purpose of the hearing is to hear public comment on the application by Erik Tinus of Tinus Marine for a proposed amendment to the City of Oconomowoc Comprehensive Land Use Plan 2050 & rezoning of the parcels identified as OCOC 0590.953 & 0590.955 consisting of .447 acres. The 2 parcels are located directly north of 850 Westover St. The area is currently designated on the City's Land Use Plan as Medium Density Residential & zoned Residential Multi-Family Low. The request is to amend the Land Use Plan for both properties to Industrial Land Use & zone the properties to Industrial. If the Land Use Plan & Zoning Map amendments are approved the request is to allow the vacant properties to be used for future outdoor boat storage.

The hearing opened at 7:35 PM. Gallo gave a PowerPoint presentation. Michael Mings, 837 S. Silver Lake St is concerned with storage yard abutting his back yard, the mature tree line being removed and future problems by changing the zoning to industrial. Wayne Fredrick, 1080 Emerson Dr is the owner of the property in question and supports the rezone. Mathew Vahl, 829 S. Silver Lake St has drainage issues due to the existing storage lot and he supports this proposal as it will address the drainage issues. Eric Tinus, 928 York Imperial Dr is the business owner and he has talked with the neighbors and has tried to work with them. No other comments were received. The hearing closed at 7:51 PM.

### c. **Public Hearing - City of Oconomowoc Municipal Code Text Amendment for Storage Setback (Tinus Marine):**

The purpose of the hearing is to hear public comment on the application by Erik Tinus of Tinus Marine for a text amendment

to §17.108(14)d of the Municipal Zoning Ordinance pertaining to conditional use permit standards / storage yards / setback requirements. The specific request is to amend the current storage yard standard that all items are to be stored a minimum of 35' from the property line. The requested change is to maintain the 35' setback but allow the Common Council the flexibility to reduce the setback to no less than 5' under appropriate conditions. The applicant is requesting a conditional use permit for boat storage & is asking to have the 35' setback reduced to 5'.

The hearing opened at 7:51 PM. Gallo gave a PowerPoint presentation and stated the Plan Commission suggested a height restriction within the first 35 ft from the lot line to be 12 ft. No other comments were received. The hearing closed at 7:56 PM.

**d. Public Hearing - Conditional Use Permit for Outdoor Boat Storage (Tinus Marine)**

The purpose of the hearing is to hear public comment on the application by Erik Tinus of Tinus Marine for a proposed conditional use permit on the parcels identified as OCOC 0590.953 & 0590.955 consisting of .447 acres. The 2 parcels are located directly north of 850 Westover St. The request is to allow the vacant properties to be used for future outdoor boat storage.

The hearing opened at 7:56 PM. Gallo gave a PowerPoint presentation. No other comments were received. The hearing closed at 8:01 PM.

**e. Public Hearing - Conditional Use Permit for Boat Service & Repair (Gordy's Lake Country):**

The purpose of the hearing is to hear public comment on the application by Bill Sheahan, Gordy's Lake Country for a proposed conditional use permit on the site identified as 654 Armour Rd, Unit #2. The request is to allow the existing building to be used for the operation of a boat service & repair facility.

The hearing opened at 8:01 PM. Gallo gave a PowerPoint presentation. Bill Sheenan, owner of Gordy's reported on the business and his request for a CUP. No other comments were received. The hearing closed at 8:07 PM.

**Approval of Meeting Minutes**

Motion to approve the council minutes of February 16, 2021 made by Zapfel and seconded by Kowieski.

Motion carried 8-0-0.

**a. Minutes of February 16, 2021**

**Consent Agenda (Items listed under the Consent Agenda are considered in one motion - a Council member may request to remove an item):**

Motion to approve the consent agenda made by Schellpeper and seconded by Zapfel.

Motion carried 8-0-0.

**a. Licenses**

**b. Treasurer's Report – February 2021**

**Committee Reports**

**a. Finance - Rosek, Chr; Ellis, Secy; Spiegelberg**

**1. Consider/act on Resolution 21-R2935 Awarding the Sale of \$9,895,000 General Obligation Corporate Purpose Bonds, Series 2021A**

Motion to adopt Resolution 21-R2935 Awarding the Sale of \$9,650,000 General Obligation Corporate Purpose Bonds, Series 2021A made by Ellis and seconded by Kowieski.

Phil Crosin, Ehlers gave a PowerPoint presentation.

Motion carried 7-1-0. Rosek abstained.

**2. Consider/act on Resolution 21-R2936 Awarding the Sale of \$4,475,000 Taxable General Obligation Community Development Bonds, Series 2021B**

Motion to adopt Resolution 21-R2936 Awarding the Sale of \$4,475,000 Taxable General Obligation Community Development Bonds, Series 2021B made by Mulder and seconded by Ellis.

Motion carried 7-1-0. Rosek abstained.

**3. Consider/act on Ordinance 21-O1003 to Repeal and Recreate §27.09(1)(a)(Table 1); (9)(b) & (c)(Table); (10)(b) & (c)(Table) & (12)(b)2 & 3 (Table) of the City of Oconomowoc Municipal Code all Relating to Impact Fees**

Motion to give the ordinance its first reading and waive the second reading made by Rosek and seconded by Ellis.

Motion carried 8-0-0.

**4. Consider/act on Ordinance 21-O1004 to Repeal and Recreate §13.62(3)(a)1 (Table 1) of the City of Oconomowoc Municipal Code Relating to Sewer Availability Charges**

Motion to give the ordinance its first reading and waive the second reading made by Schellpeper and seconded by Ellis.

Motion carried 8-0-0.

**5. Consider/act on Resolution 21-R2934 Authorizing Impact Fees and Sewer Availability Charge Fee Amounts Effective March 2021**

Motion to adopt Resolution 21-R2934 Authorizing Impact Fees and Sewer Availability Charge Fee Amounts effective March 2021 made by Kowieski and seconded by Spiegelberg.

Motion carried 8-0-0.

**6. Consider/act on Ordinance 21-O1005 to Amend 11.06 Section (1) and (2) of the City of Oconomowoc Municipal Code Relating to Solid Waste and Recyclables**

Motion to adopt the ordinance and waive the second reading made by Ellis and seconded by Spiegelberg.

Motion carried 8-0-0.

**Plan Commission**

**a. Consider/act on Ordinance 21-O1001 to Amend the City of Oconomowoc Comprehensive Land Use Plan 2050 for Properties Located at 517 & 525 N. Lake Road (Rockwell Park)**

Motion to adopt the ordinance and waive the second reading made by Mulder and seconded by Schellpeper.

Motion carried 8-0-0.

**b. Consider/act on Ordinance 21-O998 to Rezone Two Properties Located at 517 & 525 N. Lake Road to IP, Institutional/Public (Rockwell Park)**

Motion to adopt the ordinance and waive the second reading made by Schellpeper and seconded by Spiegelberg.

Motion carried 8-0-0.

**c. Consider/act on Certified Survey Map to Combine Two Properties Located at 517 & 525 N. Lake Road (Rockwell Park)**

Motion to approve Certified Survey Map to combine two properties located at 517 & 525 N. Lake Road (Rockwell Park) made by Zapfel and seconded by Ellis.

Motion carried 8-0-0.

**d. Consider/act on Ordinance 21-O1002 to Amend the City of Oconomowoc Comprehensive Land Use Plan 2050 for Tax Key OCOC 0590.953 & OCOC 0590.955 (Tinus Marine)**

Motion to adopt the ordinance and waive the second reading made by Schellpeper and seconded by Zapfel.

Motion carried 8-0-0.

- e. **Consider/act on Ordinance 21-0999 to Rezone Lands to Industrial (I) District (Tinus Marine Storage Yard - OCOC 0590.953 & OCOC 0590.955)**  
Motion to adopt the ordinance and waive the second reading made by Rosek and seconded by Ellis.  
Motion carried 8-0-0.
- f. **Consider/act on Ordinance 21-01000 to Amend 17.108 Conditional Use-Specific Standards of the City of Oconomowoc Zoning Code Relating to Storage Yards (Tinus Marine)**  
Motion to give the ordinance its first reading with the condition that the height of stored items within the 35 ft buffer of the lot line will not be stacked to exceed 12 ft. and waive the second reading made by Rosek and seconded by Ellis.  
Motion carried 8-0-0.
- g. **Consider/act on Conditional Use Permit for Tinus Marine to Allow a Storage Yard at Approx. 840 Westover Street**  
Motion to approve the Conditional Use Permit for Tinus Marine to allow a storage yard at approx. 840 Westover Street with substantial compliance to the standards being met made by Rosek and seconded by Kowieski.  
Motion carried 8-0-0.
- h. **Consider/act on Certified Survey Map to Combine Two Properties on Westover Street (OCOC 0590.993 & OCOC 0590.955 - Tinus Marine)**  
Motion to approve the Certified Survey Map combining two properties on Westover Street (OCOC 0590.993 & OCOC 0590.955 - Tinus Marine) made by Kowieski and seconded by Mulder.  
Motion carried 8-0-0.
- i. **Consider/act on Conditional Use Permit for Boat Service and Repair Located at 654 Armour Road, Unit 2 (Gordy's Lake Country)**  
Motion to approve the Conditional Use Permit for boat service and repair located at 654 Armour Road, Unit 2 (Gordy's Lake Country) with substantial compliance to the standards being met made by Kowieski and seconded by Mulder.  
Motion carried 8-0-0.
- j. **Consider/act on the Preliminary Plat for Prairie Creek Ridge Addition No. 5 Located on Whalen Drive, North of Prairie Creek Ridge #2**  
Motion to approve the Preliminary Plat for Prairie Creek Ridge Addition No. 5 located on Whalen Drive, North of Prairie Creek Ridge #2 made by Mulder and seconded by Zapfel.  
Motion carried 8-0-0.
- k. **Consider/act on Extraterritorial Certified Survey Map to Combine Two Lots Located at N60 W38429 Hawthorne Drive, Town of Oconomowoc (Boe Krueger)**  
Motion to approve the Extraterritorial Certified Survey Map to combine two lots located at N60 W38429 Hawthorne Drive, Town of Oconomowoc (Boe Krueger) made by Ellis and seconded by Spiegelberg.  
Motion carried 8-0-0.

#### Unfinished/Old Business

- a. **Consider/act on Ordinance 21-0997 to Create Section 17.109(5) of the City of Oconomowoc Zoning Code Regarding Keeping of Chickens - 2nd Reading**  
Motion to give the ordinance its second reading made by Kowieski and seconded by Ellis.  
Motion carried 5-0-3. Voted no: Rosek, Schellpeper, Rogers.
- b. **Consider/act on Resolution 21-R2933 Creating a Chicken Permit Fee**  
Motion to adopt Resolution 21-R2933 creating a Chicken Permit Fee made by Zapfel and seconded by Kowieski.  
Motion carried 5-0-3. Voted no: Rosek, Schellpeper, Rogers.

## New Business

**a. Consider/act on Award of Damages for Condemnation of 11.8 Acres of Land Owned by Park Studios, LLC**

Motion to approve Award of Damages for Condemnation of 11.8 Acres of land owned by Park Studios, LLC in the amount of \$2.6M made by Rosek and seconded by Kowieski.

Motion carried 8-0-0.

**b. Consider/act on Resolution 21-R2926 Authorizing Community Development to Acquire Lands Through Condemnation for TID #7 Project Plan Implementation**

Motion to adopt Resolution 21-R2926 authorizing the Community Development Authority to acquire lands through condemnation for TID #7 Project Plan implementation made by Ellis and seconded by Zapfel.

Motion carried 8-0-0.

**c. Consider/act on Resolution 21-R2936 Directing the Water Utility to Calculate and Charge Public Fire Protection Costs using the Equivalent Meters Method**

Motion to approve Resolution 21-R2936 directing the Water Utility to calculate and charge Public Fire Protection costs using the Equivalent Meters Method made by Kowieski and seconded by Spiegelberg.

Motion carried 7-0-1. Voted no: Rosek.

## Adjourn

Motion to adjourn made by Mulder and seconded by Rosek.

Motion carried 8-0-0.

The meeting adjourned at 9:12 PM.

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Diane Coenen, City Clerk  
City of Oconomowoc